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**WILLIAM E. ESHELMAN**

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DATE	August 7, 2004	FAX NO.	703-872-9306
PAGES	8 (including this cover sheet)		
TO/ATTN	Examiner Mary K. Zeman, Art Unit 1631		
FROM	William Eshelman		
RE	U.S. Patent Application 09/961,058 filed 09/24/2001 in the name of John Schlager et al. entitled "Automated Method of Identifying and Archiving Nucleic Acid Sequences"		
OUR REF	RICD 00-21		
MESSAGE	Attached are an RCE, a reply and a petition for extension of time for an additional one-month (two month total). Please do not enter the previously filed unentered amendment.  William Eshelman, 35,865		

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PTO/SB/30 (09-03)

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**Request  
for  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/961,058
Filing Date	09/24/2001
First Named Inventor	John J. Schlager
Art Unit	1631
Examiner Name	Mary K. Zeman
Attorney Docket Number	RICD 00-21

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed **Please do not enter the previously filed unentered amendment.**

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)

b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 21-0380

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	William Eshelman	Registration No. (Attorney/Agent)	35,865
Signature	<i>William Eshelman</i>	Date	August 7, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	William Eshelman	Date	August 7, 2004
Signature	<i>William Eshelman</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RICD 00-21

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Schlager et al.

Art Unit: 1631

Appl. No.: 09/961,058

Examiner: Mary Zeman

Filed: September 24, 2001

Atty. Docket: RICD 00-21

For: "Automated Method of Identifying and Archiving Nucleic Acid Sequences"

**Request for Reconsideration Under 37 CFR 1.111**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This reply is the required submission for the enclosed Request for Continued Examination. **Applicant requests that the previously filed unentered amendment NOT be entered.**

A final Office Action was issued on January 30, 2004. The time period for response was restarted on March 31, 2004. The three-month shortened statutory period for response expired on June 30, 2004. An Amendment and one-month Petition for Extension of Time was filed on July 10, 2004, extending the period for response to July 31, 2004. The enclosed two-month Petition for Extension of Time extends the period for response to August 31, 2004.

As noted above, applicant requests that the unentered Amendment filed on July 31, 2004 not be entered. The instant reply does not amend any claims, therefore, the claims are as presented in the Amendment dated October 14, 2003.